

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELIZABETH RUIZ, as mother)
and natural guardian of)
ERIN ARTIS, and)
ELIZABETH RUIZ, Individually,)
Plaintiff,)
)
vs.)
)
UNITED STATES OF AMERICA,)
Defendant.)
)

Civil Action No. 04-12119PBS

**JOINT MOTION TO CONTINUE FINAL PRETRIAL AND TRIAL DATES TO ALLOW
FURTHER MEDIATION BEFORE MAGISTRATE JUDGE SOROKIN**

The parties in the above-captioned proceeding jointly move for a continuance of the final pretrial conference and trial dates in this matter, in order to allow additional suggested expert discovery to take place, followed by further mediation before Magistrate Judge Sorokin. For their reasons, the parties state:

1. Pursuant to the Court's order in this matter, the deadline for expert discovery in this case was January 16, 2006, just over two weeks ago.
2. The **parties participated in a mediation before Magistrate Judge Sorokin on January 31, 2006**, which proved to be beneficial to both parties, although no settlement of the case was reached.
3. During the course of the mediation, the Court suggested ways in which the parties might narrow the issues between them, with the goal of increasing the likelihood that the parties will come to a satisfactory settlement of the case once these areas are addressed. Indeed,

Magistrate Judge Sorokin indicated that if the extension is granted, he would participate in a second mediation after the parties have had a sufficient opportunity to have their experts address suggested areas in their case-in-chief and defense.

4. The parties have been working diligently on the case and believe that the case can be settled if allowed to explore and address the additional issues identified during the first mediation.

5. Both parties agree that the additional time spent on addressing the suggested expert issues and in further mediation before Magistrate Judge Sorokin, who is now quite familiar with all of the complex factual and legal issues in the case, will be beneficial whether the case is ultimately settled or tried. If the latter, this additional time will, at the very least, narrow the scope of the issues for trial, which benefits all parties and is a better use of the Court's time and resources.

6. Granting this extension will allow the parties to assist the court in facilitating a more efficient trial by ensuring that the record provided by the parties to the court for its determinations is as thorough as possible.

7. If this Court allows this motion, the parties request a ninety (90) day continuance, to **on or before May 2, 2006, for completion of all suggested expert matters (i.e., further disclosures and discovery) and the second mediation before Magistrate Judge Sorokin.** The amount of time requested is necessary in order for the parties to retain experts in the suggested areas, to have the experts review necessary materials for consultation and/or in order for them to render expert opinions, and for the parties to retain rebuttal experts if appropriate. In the event the case does not settle, the final pretrial conference and trial could be scheduled thereafter.

Respectfully submitted,

Defendant,
UNITED STATES OF AMERICA

Plaintiff,
ELIZABETH RUIZ AS MOTHER AND
NATURAL GUARDIAN OF ERIN ARTIS,
AND ELIZABETH RUIZ,
INDIVIDUALLY,

By its attorney,

By their attorney,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

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